

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED SPECIALTY INSURANCE COMPANY,	:	
Plaintiff,	:	
v.	:	Civil Action – Complaint for Declaratory
	:	Judgment
	:	
	:	Case No. 1:18-cv-03083-ER
LUX MAINTENANCE & REN. CORP.,	:	
CORNELL UNIVERSITY,	:	
ROCKEFELLER UNIVERSITY, THE	:	
SOCIETY OF THE NEW YORK	:	Notice of Motion & Motion
HOSPITAL, MEMORIAL HOSPITAL	:	for Summary Judgment
FOR CANCER AND ALLIED DISEASES,	:	
and MANHATTAN EYE EAR &	:	
THROAT HOSPITAL	:	
	:	

NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE THAT, consistent with this Honorable Court’s directives and deadlines as set forth during the Pre-Motion Conference held on March 8, 2019, Plaintiff United Specialty Insurance Company (“Plaintiff” or “United”) will and hereby does move the Court for an order granting summary judgment pursuant to Fed. R. Civ. P. Rule 56 and Local Civil Rule 56.1 in favor of United and against Defendants Lux Maintenance & Ren. Corp., Cornell University, Rockefeller University, the Society of the New York Hospital, Memorial Hospital for Cancer and Allied Diseases, and Manhattan Eye Ear & Throat Hospital on each count of United’s Complaint for Declaratory Judgment (Dkt. No. 2) on the basis that there is no genuine dispute as to any material fact and United is entitled to judgment as a matter of law.

This Motion is based upon this Notice of Motion and Motion; the Statement of Uncontroverted Material Facts; the Declaration of John Kolb, dated April 5, 2019 and all exhibits attached thereto; the Declaration of Gabriel T. Montemuro, dated April 4, 2019 and all exhibits attached thereto; the Memorandum of Law in Support of United's Motion for Summary Judgment; all pleadings and documents on file in this action; and such other materials or argument as the Court may properly consider prior to deciding this Motion.

DATED: APRIL 8, 2019

RESPECTFULLY SUBMITTED,

/s/ WILLIAM T. MACMINN

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and MANHATTAN EYE EAR &	:
THROAT HOSPITAL	:
	:

CERTIFICATE OF SERVICE

Richard Trotter, Attorney for Plaintiff United Specialty Insurance Company, certifies as follows:

I am over 18 years of age and not a party to this action.

On April 8, 2019, I served a copy of the foregoing Notice of Motion and Motion, as well as all papers submitted in support thereof (together, the “Motion”) upon counsel for Defendants Cornell University, Rockefeller University, The Society of New York Hospital Memorial Hospital for Cancer and Allied Diseases and Manhattan Eye Ear & Throat Hospital by ECF.

In addition, on April 8, 2019, I sent a copy of the Motion to Defendant Lux Maintenance & Ren. Corp. (“Lux”) which, despite being properly served through the New York Secretary of State on April 20, 2018, has not defended or otherwise appeared in this action, by certified U.S. mail at the address to Paragon Services Corp., Lux’s designated agent for service of process, at the following address:

Paragon Services Corp.
158 Nassau Avenue
Brooklyn, New York 11222.

Dated: April 8, 2019

TANNENBAUM HALPERN SYRACUSE &
HIRSCHTRITT, LLP

By: /s/ Richard W. Trotter

Richard Trotter